

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

FATHALLA MASHALI,
Defendant.

No. 14CR 10067 RWZ

**AFFIDAVIT OF JOSEPH KELLER CONCERNING RSS REPRESENTATIONS
TO THE COURT**

I, Joseph G. Keller Jr., being duly sworn, depose and state:

1. On June 26, 2014, RSS Realty, LLC, through its attorney, Barry M. Altman, made representations to the Court concerning a Preliminary Injunction issued by Justice Edward P. Leibensperger of the Middlesex Superior Court.
2. Mark Adams, the Attorney for Dr. Fathalla Mashali at the hearing for this injunction on April 1, 2014, has represented to the undersigned counsel that he first saw the docket entry detailing the injunction on AOTC after Dr. Mashali's release from prison.
3. Mark Adams has represented to undersigned Counsel that despite the Docket claim that a certified copy of the order was given in hand April 3, 2014, he did not then or ever receive the order in hand. Furthermore, there was no hearing on April 3, 2014, and the proposed order was only emailed to the Court on April 2, 2014, from Plaintiff's Counsel, a day after the hearing.(see Exhibit 1). The details of the Order were unknown to Attorney Adams for some time after the hearing.

4. Mark Adams has represented to undersigned Counsel that he never provided Dr. Mashali with the Order prior to Dr. Mashali's release and could not have provided him with it as Attorney Adams never received the Order.
5. The undersigned Counsel and Attorney Jeffrey Denner were not aware of the Order until after the Bond Proposal was accepted and Dr. Mashali released, and did not see a copy of the Preliminary Injunction until June 23, 2014.
6. The RSS Claim is in reality a very small claim in context of the \$3 million dollar pledged collateral and \$5 million dollar bond. It is a claim which when properly mitigated will not materially affect the viability of the bond package.

Dated: June 27, 2014

/s/ Joseph G Keller Jr.
Joseph G. Keller, Jr. BBO#686689
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Certificate of Service

I, Joseph G. Keller Jr. , hereby certify that on this the 27th day of June, I caused a true copy of the foregoing *Affidavit* to be served upon all necessary parties by virtue of electronically filing the same via the CM/ECF system.

/s/ Joseph G. Keller Jr.
Joseph G Keller Jr.

Exhibit 1

From: "Brian Corrigan" <corriganlaw@gmail.com>
To: "william smith" <william.smith@jud.state.ma.us>
Sent: Wednesday, April 2, 2014 12:19:59 PM
Subject: RSS Realty v. Mashali et al., MICV2014-01076

Dear Mr. Smith:

Attached in accordance with our discussion after yesterday's hearing and decision by Judge Liebensperger, please find a proposed Preliminary Injunction form. Call or email me with any questions or concerns. Thank you.

Regards,

Brian T. Corrigan, Esq.
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20 Middlesex Avenue
Wilmington, MA 01887
Tel: (978) 988-1544
Fax: (978) 988-1545